From the INTERNATIONAL SEARCHING AUTHORITY			
To: SANDFORD T. COLB & CO.	PCT		
P.O BOX 2273 76122 REHOVOT ISRAEL 14 - 1i - 2002 2 2 7 20 3	NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITER OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY. OR THE DECLARATION (PCT Rule 44.1)		
man			
	Tate of mailing day/month/year)		
Applicant's or agent's file reference 65343	FOR FURTHER ACTION See paragraphs 1 and 4 below		
International application No. PCT/IL 08/00646	International filing date (day/month/year) 11 May 2008 (11.05.2008)		
Applicant METACURE LTD.			
The applicant is hereby notified that the international s	earch report and the written opinion of the International Searching		
Authority have been established and are transmitted he Filing of amendments and statement under Article The applicant is entitled, if he so wishes, to amend the	9: claims of the international application (see Rule 46):		
When? The time limit for filing such amendme international search report.	ents is normally two months from the date of transmittal of the		
Where? Directly to the International Bureau of Wi	PO, 34 chemin des Colombettes		
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35 For more detailed instructions, see the notes on the accompanying sheet.			
The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.			
3. With regard to the protest against payment of (an) as	ditional fee(s) under Rule 40.2, the applicant is notified that:		
the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.			
no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.			
4. Reminders Shortly she're the expiration of 18 months from the priority date, the international application will be published by the international Bureau. If the applicant visites to avoid or postgoon publication, a notice of withdrawni of the international application, or of the priority data, must read the international Bureau as provide in Near 904s in an 904s1, respectively, and the priority of the priority data and the priority of t			
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all destignated Offices unless an international preliminary examination approximate to be exabilished. These comments would also be made available to the public but no before the experiation of 30 months from the priority than 10 months of the public but no before the experiation of 30 months from the priority than 20 months of the public but no before the experiation of 30 months from the priority than 20 months.			
Within 19 months from the priority date, but only in respect of your designated Offices, a demand for international proliminary examination must be filled if the applicant without no propriese the entry into the national place and III 30 months from the priority date (in some Offices even later), otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for early into the national plants before those designated Offices.			
In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.			
monus. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applican's Guide, Volume II, National Chapters and the WIPO Internet site.			
Name and mailing address of the ISA/US	Authorized officer:		
Meil Stop PCT, Altn: ISA/US Commissioner for Patients	Lee W. Young		
P.O. Box 1450, Alexandria, Virginia 22313-1450	PCT Helidest: 571-272-4300 PCT OSP: N21-272-774		
Form PCT/ISA/220 (January 2004)	(See notes on accompanying sheet		

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

65343	ACTION as well	as, where applicable, item 5 below.				
International application No. International filing date (day/month/year) (Earliest) Priority Date (day/month/year)						
Applicant METACURE LTD.						
This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau. This international search report consists of a total of sheets.						
lt is also accompanied by	a copy of each prior art document cited in this	report.				
the international app	1. Basis of the report a. With regard to the language, the international search was carried out on the basis of Xi the international application in the language in which it was filled. a translation of the international application into a translation for this of the purposes of international application into a translation for this of the purposes of international assurbt (Rules 12.3(c) and 23.1(b)).					
b. This international search authorized by or notified	report has been established taking into accou- to this Authority under Rule 91 (Rule 43.6bis)	ant the rectification of an obvious mistake				
c. With regard to any nucleo	tide and/or amino acid sequence disclosed i	n the international application, see Box No. I.				
2. Certain claims were four	nd unsearchable (see Box No. II).					
3. Unity of invention is last	3. Unity of invention is lacking (see Box No. III).					
4. With regard to the title, the text is approved as sub the text has been establish	emitted by the applicant, ed by this Authority to read as follows:	•				
	•					
5. With regard to the abstract,		*				
the text is approved as sub	mitted by the applicant.					
the text has been establish may, within one month fro	ed, according to Rule 38.2(b), by this Authori m the date of mailing of this international sear	ty as it appears in Box No. IV. The applicant ch report, submit comments to this Authority.				
With regard to the drawings,		1				
a. the figure of the drawings to be as suggested by the	published with the abstract is Figure No. 1B					
	uthority, because the applicant failed to sugge	st a figure.				
□	uthority, because this figure better characteriz					
b. none of the figures is to be	published with the abstract.	1				

Form PCT/ISA/210 (first sheet)-(April 2007)

INTERNATIONAL SEARCH REPORT

International application No. PCT/IL 08/00646

A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - A61F 2/00 (2008.04) USPC - 600/37

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPCB - ASTE 2/00 (2008.04)

USPC: 600/37

Documentation searched other than ministrum documentation to the extent that such documents are included in the fields searched IPCS - AR18 5/00 AR18 5/00 AR18 17/00 AR18 17/12 (2008).64)

LEPC: 60.0034 6.000372 6.000472 6.001475 601473 601473

Buseautic data have consulted during the international steath (reque of data base and, where practicable, search terms used) PureMETS (PORTUSPETEME, PERM), Googles Scholer sable liquid, celeterinis, handraled wireless pad, disry jornal log, funds, stemach, gastroinestrinal, total, entury, prylotus, privily ingestion monitor, search, one openidate, disput parties padde, search, permoting, search, one consisted, disput padde description, port 200

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
x	US 2006/0264699 A1 (GERTNER) 23 November 2006 (23.11.2006) see especially para (0141), [0149], [0156], [0160]-[0163] fig 11D	44-48
Y	US 2007/0027493 A1 (BEN-HAIM et al) 1 February 2007 (01.02.2007) see especially para [0149],[0173],[0174],[0176],[0177],[0188],[0189],[0193],[0193],[0295],[0209],[0225],[0246]	1-43
Y	US 2005/0096514 A1 (STARKEBAUM) 5 May 2005 (05.05.2005) see especially para [0018]-[0020], (0029], [0030]	1-8, 10-19, 22-34, 37-43
Y	US 5,188,104 A (WERNICKE et al) 23 February 1993 (23.02.1993) see especially col.10, in 29-44, col 14, in 1-9	6-43
Y	US 2008/0054037 A1 (SHALON et al) 23 March 2006 (23.03.2006) see especially para [0093], [0145], [0157], [0221]	35-43
	·	

-		Further documents are listed in the continuation of Box C.	ſ	
	"A"	Special categories of cited documents: document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but eited to understand the principle or theory underlying the invention
ı		earlier application or patent but published on or after the international filing date document which may throw doubts on priority claim(s) or which is	~	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
l	1	cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention carnot be considered to involve an inventive aren when the document is
l	"P"	document published prior to the international filing data but lates the		combined with one or more other such documents, such combination being obvious to a person skilled in the art
ŀ		the priority date claimed		document member of the same patent family
1		,	Date	of mailing of the international search report
17 October 2008 (17.10,2008)			28 OCT 2008	
	Name and mailing address of the ISA/US		A	uthorized officer:
JF	Mall Stop PCT, Attn: ISAUS, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450			Lee W. Young
Facsimile No. 571-273-3201			PCT Helpdesk: 571-272-4309	

Form PCT/ISA/210 (second sheet) (April 2007)

: & CO.	DIGIT 1	PCT		
		INTERNAT	ITTEN OPINION OF THE ONAL SEARCHING AUTHORITY	
			(PCT Rule 43bis.1)	
		Date of mailing (day/month/year)	2 8 OCT 2008	
ence	FOR FUR		THER ACTION See paragraph 2 below	
	International filing date (daymonthyear) 11 May 2008 (11.05.2008)		Priority date (day/month/year) 09 May 2007 (09.05.2007)	
ion (IPC) 3.04)	or both national classifica	tion and TPC		
TD.				

cations relating to the following items:

s of the opinion

IO ATTENDRITY

rity

-establishment of opinion with regard to novelty, inventive step and industrial applicability

s of unity of invention

soned statement under Rule 43.6rs.1(a)(i) with regard to novelty, inventive step or industrial applicability; hous and explanations supporting such statement

ain documents cited

tain defects in the international application

tain observations on the international application

mal preliminary examination is made, this opinion will be considered to be a written opinion of the Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority be IPEA am of the chorses IPEA has notified the International Burease under Rule 66.16u(t) that written and Searching Authority will not be so considered.

sed above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA

International application No. PCT/IL 08/00646

Box No. 1	Basis of this opinion
ı. With	regard to the language, this opinion has been established on the basis of: the international application is the language in which it was filled. which is the language of a translation furnished for the purposes of international search (Rudes 12.3(a) and 23.1(b)).
2.	This opinion has been established taking into account the rectification of an obvious mistake authorized by or sotified to this Authority under Rule 91 (Rule 436s.1(a))
esta	n regard to any nucleotide and/or amine acid sequence disclosed in the international application, this opinion has been blished on the basis of: type of material a sequence listing table(6) related to the sequence listing
b.	format of material
е.	time of filing/furnishing contained in the international application as filed filed together with the international application in electronic form furnished subsequently to this Authority for the purposes of search
4.	In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has bee filed or famished, the required statements that the information in the subsequence or additional copies is identical to the in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. A	ddhional comments:

Form PCT/ISA/237 (Box No. I) (April 2007)

International application No. PCT/IL 08/00646

Box No. V Rea		Reasoned statement us citations and explanati	Reasoned statement under Rule 43bir. 1(4)() with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Stateme	nt		1	
	Nove	sity (N)	Claims	1-48	YES
	NUVE	aty (14)	Claims	None	NO
Inventive step (IS)	Claims	None	YES		
	Claims	1-48	NO NO		
	la disc	strial applicability (IA)	Claims	1-48	YES
Industries e	diei approaulity (144)	Claims	None	NO NO	

Citations and explanations:

Claims 44-45 lack an inventive step under PCT Article 33(3) as being obvious over US 2006/0264699 A1 to Gertner.

Regarding claim 44, Gerther teaches apperatus comprising: a) a gestrointestinal (GI) ward attechment element, configured to be coupled to a portion of a GI tract of a subject such that the element surrounds test shan 360 degrees of the GI tract (para [0160]-0163), fig 11D, outragastric balloom 430 partially aurrounds stamach and enchored in place), and
b) applies a constrictive force to the Gi tract portion that causes a reduction in a cross-sectional area of the Gi tract in a vicinity of the

portion (para (0160)-(0163)); and c) at least one electrode, coupled to the attachment element such that the electrode contacts the GI tract portion when the attachment

(a) all seat one electricals, coupled to the attractment element such that the electrode contacts the GI seat portion when the attractment determed to opicite the GI seat portion when the attractment determed to opicite the GI stars profit one part [51], [514], and the GI stars profit of the GI st

Regarding claim 45, Gertner does not specifically teach that the attachment element is configured to cause the reduction to be all least 10%, Geriner teaches a variety of attachment means that aid in restricting the stormach (pars (0166)-(10183)), it would have been obvious to one skilled in the air that Gertner could be modified as claimed through routine experimentation in order to adjustably restrict food intaker.

on a patient by patient basis. Regarding claim 48, Gertner further teaches that the attachment element is configured to be coupled to the GI tract such that the element unds less than 270 degrees of the GI tract (para (0163)).

Reparding claim 47, Gertner further teaches that the attachment element comprises a clip (para [0156]).

Regerding claim 48, Gertner further teaches that the Gi tract portion is a stemach of the subject, and wherein the attachment element is configured to be coupled to the stomach (para (0160)-(0163), fig 11D.

Claims 1-5 lack an inventive step under PCT Article 33(3) as being obvious over US 2007/0027493 A1 to Ben-Haim et al (hereinafter Ben -Haim) in light of US 2005/0096514 A1 to Starkebaum.

Regarding claim 1, Ben-Haim teaches an apparatus comprising: a) one or more fundic sensors, configured to be applied to a fundue of a subject, and to generate a fundic signal (para [0174], [0189], sensors 68 on the fundus); and

b) a control unit, configured to: make a determination of ingestion by the subject (para [0174], [0177], control unit 90),

(b) a control unit, configured to make e determination of ingestion by the subject (para [0774, [0777, control unit 60), of defender busined rependence repronview by the fundic significant great [0777, [0787]].
Of defenders busined rependence repronview by the fundic significant great [0777, [0787]].
Of defenders busined rependence reproduce the second reproduction of the duration is test than a fundir dise designation threshold value. Bun-1-faith does settle determining (registion false positive) where of number of the second reproduction reproduction of the second reproduction of the second reproduction reprodu could be modified by the teaching of Starkebaum as claimed in order to more accurately determine false positives.

Regarding claim 2. Ban-Halm further teaches that the control unit is configured to make the determination of ingestion by interpreting a increase in fundic impedance vs. a baseline level greater than a fundic increase threshold value as indicative of the Ingestion (para (0177). (0169, (0153)). White determination is not tentative, Ben-Halm does appreciate detecting over a period of time and the elimination of false positives (para (0199), (0209)). It would have been obvious to one skilled in the at that Ben-Halm and Stanksbaum could be modified as daimed in order to reduce false positives.

... see continuation sheet

International application No.

PCT/IL 08/00646

Supplemental Box

determine felse positives.

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V.2 - Citation ions and explanations:

Regarding claim 3, Ben-Heim further Waches one or more enter sensors, configured to be applied to an animum of the subject, and to generate an antical lights, which the confidence for make the instalkfor determination of ingestion by determining an antical claims encounted by the retail adjust, and finding better assured local sense responsible by the retail adjust, and finding better assured local sense is sets than a local sense fresher instalkford in the retail and the retail an delmed in order to more accurately determine false positi

Regarding claim 4, Ben-Haim further teaches one or more antral sensors, configured to be applied to an antrum of the subject, and to generate an antral signal, wherein the control unit is configured to make the tentative determination of injection by determining an amplitude of article contractions responsively to the artifal signal, and finding that the artifal controlled on antipulate is greater than an antral signal, and finding that the artifal signal controlled and provided in a signal signal and finding that the artifal solutions controlled and signal signal and signal and signal artifal signal and signal and signal artifal signal and signal artifal signal and signal artifal signal contractions amplitude threshold value (para [0176], [0205])

Regarding claim 5. Ben-Haim further teaches one or more annul sensors, configured to be applied to an annum of the subject, and to generate an annual signal, wherein the control well is configured to make the tentative determination of integration by: (b) a comparison of the annual confinctions amplitude and an entitic contractions employed breakfull value (gras) (2015), [2025], [2025]. afters domination a simplified in the six error commencions expressed interested value (given (pt 176, (pt 51), (px.ctv)).

Annual confidence of the six error commencions expressed interested value (para (pt 176, (pt 51), (pt 51

Claims 9, 20, 21 fack on inventive step under PCT Article 33(3) as being obvious over Ben-Halm in light of US 5,188,104 A to Wernicke et al (hereinatter Mernicke)

egarding claim 9. Ben-Halm teaches apparatus comprisi

a) one or more antral sensors, configured to be applied to an antrum of the subject, and to generate an antral signal (para [0174]; [0188], insors 68 on the entrum); and

sensors 68 on the entrum; and of particular sensors of the sensors in response to the food consumed

Regarding claim 20, Ben-Helm teaches en apparatus comprising:

registrolly want or, everyment reductive on appearance companies.

3.1 a gastic band page (1973), gastic device 28),

5.1 on or more gastroinestinis serious, configured to be coupled to one or more gastroinestinis sites of a subject end to generate one or

more gastroinestinial extraor signals esponsive to a properly of at least one of line gastroinestinis sites (para (1974, [1986], sensors 66 on the fundust; and

on the familiary, and
just configured for receive and analyze the cred-or more gastrointestinal sensor signalaspera (01744, 10177), control unit 90),
just control unit configured for receive and analyze the cred-or more gastrointestinal sensor signalaspera (01744, 10177), control unit 90),
just control unit of the control un

Regarding claim 21, Ben-Halm and Wemicke do not specifically teach that the one or more gastrointestinal sensors comprise of affini sensors, configured to be applied to an antrum of the subject, and to generate an antral signal; and wherein the control unit is configured to the applied to an antrum of the subject, determine arteral impedance responsively to the antral signal, and interpret a charge in a strain dependence vs. a bestine value of less them a threshold value as indicating that the flegstest does funduse predominantly the solid food naster. Ben-Halm does teach afrom impedence sensors that measure reletive to a trustició and baseline (para 0174), [0177], [0188], [0188], [0187] ment more accurately in response to the food consumed

Claims 6-8, 10-19, 22-34 lack an inventive step under PCT Article 33(3) as being obvious over Ben-Haim in light of Starkebaum and

Regatifica (calm 8, Bas-Hain and Statesburner for not specifically teach that the control unit is configure to raise a social read administration of which the regative specifically teach that the control unit is configure to raise a social read administration of which the regative specifically representation of the control of the regative specifical properties of the rega accurately in response to the food consumed.

-- see continuation sheet ---

Form PCT/ISA/237 (Supplemental Box) (April 2097)

tnternational application No. PCT/II. 08/00646

Supplementat Box

in case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V.2 - Citations and explanations:

Regarding claim 7. Ben-Halm further teaches a gastric band, wherein the control unit is configured to cause tightening of the gastric band responsively to the solid/liquid determination (para [0173], gostic device 26).

Regarding claim 8, Ben-Halm, Starkebaum and Wemicke do not specifically teach one or more antral sensors, configured to be applied to Regarding, claim B, Ben-tram, sunknown and vermices do not specifically lead not of or more arried sensors, configurate to be applied to natural relationships, called the production of the production over a period of time having a duration of between one and 10 mainter, and determining in this field of the productionship (specific productions) or production of the produ

Regarding claim 10, Ben-Haim teaches apparatus comprising: a) one or more fundle sersors, configured to be applied to a fundus of the subject, and to generate a fundle signal (para [0174], [0186], sensors 50 on the fundus); and

sensors on the undergraph, and detect ingestion of food by the subject (para [0174], [0177], control unit 90),
o) a control unit of configured to: detect ingestion of food by the subject (para [0174], [0177], control unit 90),
o) determine funció impedance responsively to the fundicion of a period during which the sundic impedance rose during the ingestion, and
Ben Haim does not specifically bench calculates a fundion of a period during which the sundic impedance rose during the ingestion, and determine that the ingested food is predominantly sold upon funding that the duration of the period is greater than a threshold value. Ben-learn does teach determining lingestion based on fundic impedance vertinone which is compared to a threshold value (vars (0.187), (0.192), 1079(3), Starksburn teaches an allermative system which netably mornics the rate of change of the impostance (sam (0.187), (0.192), 1079(3), Starksburn teaches an allermative system which netably mornics the rate of change of the impostance (sam (0.187), (0.192), Wemicks teaches an alternative system which notably can determine the difference between sold and injust injection (of 16) to you will be successful to the second of 16) to you will be successful to the second of 16) to you have been obvious to one skilled in the art that Ben-Harin could be modified by the teaching of Starkebaum and Wemicke as cleimed in order nome accurately determine laise noestives. n solid and liquid ingestion (col 10, in 29-44). It

Regarding claim 11, Ben-Halm, Starkebaum and Wernicke do not specifically teach that the threshold value is between one and five minutes, it would have been obvious to one skilled in the art that Ben-Halm, Starkebaum and Wernicke could be modified as claimed through routine experimentation in order to more effectively, rule out false positives caused for example by lying down

Regarding claim 12, Ben-Hallm, Starkebaum and Wemicke do not specifically teach that the threshold value includes a first threshold value, and whereit the control until its configured to determine that the injected food is predominantly legad upon finding that the duried on of the period is less than a second threshold value. Ben-Hallm teaches a variety of freedroids and teaches from [1618], [1619]; it would neve been obvious to one skitled in the set that Ben-Hallm, Starksburn and Verniciae could be modified as claimed through multiple segrificants from food's of differenticle between different floods more effectively.

Regarding claim 13, Bÿn-Halm, Starksbsum and Wemicke do not spedifically teach that the second threshold value is between 10 seconds and five minutes. It would have been obvious to one skilled in the art that Ben-Halm, Starksbaum and Wernicke could be modified scalaimed through routine experimentation in order to more effectively nice out faller positive caused by other reasons.

Regarding claim 14, Ben-Haim teaches an apparatus comprising: Regarding down 14, bent-main wateries an appeal assessments.

a) one or more antital sensors, configured to be applied to an antital of the subject, and to generate an antital signal (pera [0174], [0188], sensors 68 on the antrum); and

b) a control unit, configured to: detect ingestion of food by the subject (para [0174], [0177], control unit 90). 3) a combine unit, configured two detect injectation of bod by the subsect (pare BIT4, BIT12, control unit 50).

If the provided is the provided transport of the provided transport or the provided order to more accurately determine false positives

Regarding claim 16, Ben-Halm, Starkebaum and Wernicke do not specifically teach that the period duration equals the duration of between one and three districted entral waves. It would have been obvious to one statled in the art that Ben-Halm, Starkebaum and Wernicke could be modified as claimed through routine experimentation in order to more effectively rule to uit takes positives.

Regarding claim 16, Ben-Haim, Starkebaum and Wernicke do not specifically teach that the control unit is configured to receive an entral reagaining cleam 15, patil-main, Surrecolour and Twitmans of the State of the State

Regarding claim 17, Earn-teinn, Starkebrum and Wennicke the not executionally teach that the countrul unit a configurant to motive an antiation steme beamer inter, and not determine that the expected food persponditurally liquid only upon finding that the reduction in the relation over the protect of time is greater than the first threaded value, and that the rate returns to the baseline rate affect a conduction of the pending of time. If would have been advolved to one self-field in the relation statement on the country and the relation of the pending that the relation statement and Memoritee could be modified the at affect the Revisions and Memoritee could be modified as a darked through routine experimentation in order to more effectively rule out false positives

see continuation sheet ---

International application No. DCT/II 08/00646

Supplemental Box

in case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V.2 - Citations and explanations:

Regarding claim 18, Ben-Haim teaches an apparatus comprising: a) one or more fundic sensors, configured to be applied to a fundus of a subject, and to generate a fundic signal (para [0174], [0188],

nsors 68 on the fundus); and

sensors (so in the Ambdulk) and b) a control unit. Controlled to make a determination of ingestion of food by the subject (para [0174], [0177], control unit 00), c) determine funds inpediation insportable by the funds singlet (para [0177], [0180]). Para-Haim does in controlled to the controlled t companies of a mission of a mission of the migration of t

Regarding claim 19, Ben-Halm, Starkebaum and Wemicke do not specifically leach that the fundic rise threshold value is between one and 30 dhms per second. Ben-Halm does teach a threshold of 30 Chms (para (19193)). It would have been obvious to one skilled in the art that Ben-Haim, Starkebaum and Wemicke could be modified as claimed in order to morbito registed more deficiely.

Regarding claim 22, Ben-Naim and Wemicke do not specifically teach that the one or more gestrointestinal sensors comprise one or more funds sensors, configured to be applied to a funds of the slopict, and to generate a funds signal, and whereit the comprise in configured to detect ingestion of odd by the subject, oddesmins funds impedance responsively to the funds (spaid, calcalate a duration of Undergrant for detect installand of food by the subject, determine fundir impedance responsively to the fundir signal, countains contained as particular to the fundir signal countained to the fundir impedance and producting without the fundir impedance on section plant impedance, and determine for the this segreed control inclinate upon indiring that the duration of the principle system (and produced as the subject of the ingestion.

Regarding claim 23, Ben-Heim and Wernicke do not specifically teach that the one or more gastrolhytesinal sentors comprise one or more annie senson, configured to be applied to an antirum of the subject, and to generate an antiral disput, and where the two control cinn's configured to death register of bod by the register of the property of the pro

Regulation points 74, Ben-helm and Wembles do not associately sean that the one or more pationisestimal sensors comprise one or more administration of the compression of the compressio In the sunci Imposition during a least one period of the Rigestion, determine that the Registed Good is Rigid super finding that the rise last elected quality for sinking first therefore the Rigid and Consideration of the Rigid and Rigi

Regarding claim 25. Ben-Halm, Starkebaum and Wemicks do not specifically teach one or more current application electrodes configured to be coupled to a gastrointestimal tract of the subject, wherein the control unit a configured to often a current to at least one of the one or more current application electroder sensorbely to the examin to which the highest food includes the said food crafter. Ben't have been been considered to the said of the said of the said to the said that the said of the said of the said that the said of th teaching of Starkebaum as claimed in order to more effectively monitor and control the emount of ingestion.

Regerding claim 26, Ben-Haim, Starkebaum and Wemicke do not specifically teach that the control unit is configured to drive the current The state of the s as daimed in order to more effectively monitor and control the amount of ingestion.

Regarding claim 27, Ben-Halm, Starkebaum and Wernicke do not specifically teach that the control unit is configured to bagin driving the current before causing the sightening of the garbic band. Ben-Halm teaches electrodes into which current is driving pare [0189] and adjusting the band (Jean [0179]). It would have been obvious to one solled in the art that Ben-Halm, Starkebaum and Wenticke could be modified through routine experi entation as claimed in order to more effectively monitor and control ingestion. - ree continuation sheet -

J.

International application No. PCT/II 08/00646

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V.2 - Citations and explanations:

Regarding claim 28, Ben-Halm, Starkebaum and Wernicke do not specifically teach that the control unit is configured to cause a first level Repending dain 28, Ben-halm. Sharfeshaum and Wennicke do not specifically beach that the control unit is configured to cause a first level of the fighering of the eigher band. Where it has period during which the court of the control of the period during which the court of the control of the court of th innesting

Recarding claim 29, Ben-Haim, Starkebaum and Wernicke do not specifically teach that the control unit is configured to cause a first le Regarding claim xit, Isen-team, Satrathaum and Werincox do not specifically baseb that the common sum is configured to distink shall be able to the lightening of the specific plant during a last period during which he control until drive common sum is configured to distink shall be of the specific plant and the specific plant shall be secret to the specific plant shall be specific plant shall be specific plant shall be specifically specific plant shall be specifically specific plant shall be specifically specifical

Regarding cleim 30, Ben-Haim, Sterkebaum and Wernicke do not specifically teach that the control unit is configured to drive the current only in response to a deemination that the ingested tool is predocrimently liquid. Wernicke does toech determining the difference between color and liquid imposting (col 10, in 29-44). It would have been colorusts from selficial in the art has Ben-Haim. Standabum and Wernicke could be modified through routine experimentation as claimed in order to prevent patients bypassing the device by ingesting

Regerding claim 31, Wernicke further teaches that the control unit is configured to cause the tightening of the gastric band at a timing configured to cause weight loss in the subject (col 14, in 1-9, biggered automatically at meet times).

Regarding claim 32, Ben-Helm further teaches that the control unit is configured to cause the tightening of the gestric band et a timing configured to control blood sugar in the subject (para [0149], [0233]).

Regarding claims 33 and 34, Ben-Ham, Stenkebaum and Weminick do not specifically lead that the control unit is configured to cause the signating of the gestor bend after a delay after making his determination that the inspected bod inducise predeminatory he sold food matter, wherein his delay includes between 10 minutes and 31 minutes. Ben-Ham teaches a delay (part giz25). Wemicke does teach determining the difference between sold and fault dispection (cd 10, in 254-4), it would have been onvious to one side in the art that separation and Wemicke could be modified through counties experimentation and adding to call out a set emount of normal Ingestion.

Claims 35-35 lack an inventive step under PCT Article 33(3) as being obvious over Ben-Halm in light of Wernicke and US 2006/0064037 At to Shaton et al (hardinafter Shelon).

Regarding claim 35, Ben-Halm treches en apparatus comprising: a) one or more gestrointestinel sensors, configured to be coupled to one or more gastrointestinel sites of the subject and to generate or or more gestrointestinel sensor signets responsive to a property of at least one of the gestrointestinal sites (pera [0174], [0177], [0185], sensors 68);

beliance of the coupled to the device communication module, and configured to: receive and analyze the one or more gastrointestine. sensor signats (para [0174), [0177], [0189], control unit 90).

senor agrate (para (VYA), VYA), Child School, Comprising a device comprising a device virieless communication mode, and configuration to the properties of t whose solving communication module to weleasily transpit, to the device writeness communication module, an indication of the entire which the ingression of both circles are set of the control of the co feadback to the petient as to the effects of eating certain foodstuffs

Regarding claim 36, Shalon further teaches that the behavior modification include weight loss, and wherein the food diary is configured to aid in the weight loss (pere [0157]).

Claims 37-43 lack an inventive step under PCT Article 33(3) as being obvious over Ben-Halm in light of Wernicke, Shalon and

Repeding claim 37, par-tierm, Windows and Station, on our specifically beach that the section represents the control of the co effectively monitor the amount of ingesti - see continuation sheet -

Form PCT/ISA/237 (Supplemental Box) (April 2007)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY)	International application No. - PCT/IL 08/00646
Por I	

Supplemental Box in case the space in any of the preceding boxes is not suff

Continuation of: Rox V.2 - Citations and explanations:

Regarding caim 38, Ben't-Halm. Wernicke and Staten do not operationally leads that the one or more gastrointestinal sensors comprise one or more bradic sensors, seef parent to be sported to a warried of the subject, and be generate a function signal, and wherein the control until configuration to detail. If the parent sensors is the subject of the sensors of the subject of the subject of the sensors of the subject desirable sensors which the sensors is the subject desirable and parent parent sensors which the subject desirable sensors in the subject desirable sensors in the subject desirable sensors that the subject desirable sensors the subject desirable sensors the subject desirable sensors the subject desirable sensors that the subject desirable sensors the subject desirable sensors that the subject a period suring which the funds: impodance one during flush/gestlor, and determine that the inspeased food includes predominantly the sold food analysis of midely that the duction of the provide growther than a threshold value. Ben-Harin Order speak of the provide growther than a threshold value. Ben-Harin Order speak order in the provide growth of the turn as claimed through routine experimentation in order to more effectively monitor the amount of ingestion

Regarding claim 30, Ben-Haim, Wernicke and Shalon do not specifically lead had been four from generalizative lead and control and the second of the second control and the second contr Regarding claim 39, Ben-Haim, Wernicke and Shalon do not specifically teach that the one or more gastrointestinal sensors comp Ingestion.

Regarding claim 40. Ben-Heim, Wemicke and Shalon do not specifically teach that the one or more gastrointestinal sensors comprise one Regarding claim 40, Ben-Heim, Wernicke and Shalon do rijst specifically locab that the one or more gastrointentinal secretor comprise on its one fundic seasors, configured to be expliced as I banday of a subdest, and to generate a Indiac segme, or wherein the control configured to make a desarramistion of significant seasors one period of desarrine fundic separate and seasons of the seasons of the configured to the activities of the seasons of the seas

Regarding claim 4.1, Bert-Heim, Wernicke, Shalon and Slävebaum die not specifically reach that one or more course reproductive electrodes configured to be coupled to a gearbrinisation light of the subject, where the subject, which is the subject of the subject, which is the present of the score course to a state time of the not or more current upon the subject, which is the subject, which is the registed food includes the solid tool the state of the score of the subject, which is the registed food includes the solid tool to the score of the subject, which is the score of the score of

Regarding claim 42, Ben-Halin, Wenricks, Shakon and Slivishbaum 6 not specifically teach that the control unit is configured to drive the current only in response to the determination that the legislate food includes preformanily the sold food methor. But his legislate food includes preformanily the cold food method by the control of the control of

Repeting data 43, Ben-Halm, Wernicks, Shalon and Stafebaum do not opedically pools that the control until is configured to drive the current only in response to a determination that the triposted food is precionarily liquid. Ben-Halm cross teach executed since which current is driven (para [0:68]) and Wernicke does lawful determinantly flower and and liquid injection (cot 10, 10, 2544.). It current is driven (para [0:68]) and Wernicke does lawful determinantly flower and and liquid injection (cot 10, 10, 2544.) It would have been ordered to other scientific may be all the liquid to the control of the control until is configured to the control of the control until is configured to the control until is configured to drive the current of the control until its configured to the control until is configured to the control until is configured to drive the current of the control until its configured to the control until is configured to drive the current only in the control until is configured to the control until is configured to drive the current of the control until its configured to the control until is configured to the current of the control until its configured to the control until its configured to the control until its configured to the current of the control until its configured to the control until its configu routine experimentation in order to more effectively monitor and control the amount of ingestion.

Claims 1-48 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in industry.

From the INTERNATIONAL SEARCHING AUTHORITY		
TO: SANDFORD T. COLB & CO. P. O. BOX 2273 76122 REHOVOT ISRAEL	PCT NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WATTEN OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION (PCT Rule 44.1)	
	Date of mailing 2 8 OCT 2008	
	[adjustation Justice J	
Applicant's or agent's file reference 65343	FOR FURTHER ACTION See paragraphs 1 and 4 below	
International application No. PCT/IL 08/00646	International filing date (daytmonilr)ear) 11 May 2008 (11.05.2008)	
Applicant METACURE LTD.		
The applicant is bereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted between the Property of the International Searching Authority have been established and are transmitted between the Property of the international application (see Ruis 46): The applicant is entire that the Property of the International Searching Authority are transmitted between Activets 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted between Activets 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted between the International Searching of Int		
4. Reminders Shortly efter the expiration of 18 months from the priority date, the international application will be published by the international Bureau. If the applicant winder to devole or postspose publication, a notice of withdrawd of the international application, or of the priority date, in the publication of the international application. The applicate may submit comments on an informal basis on the written opinion of the international Particulation. The applicate may submit comments on an informal basis on the written opinion of the international Securities, adulted to the international particulation of the international particulation of the international particulation of the international particulation of 100 months from the priority district congregate to all designated officies unless an international preliminary committee report has been or to to be entolyheded. These comments would also be made available to the public but not before the experiment of 100 months from the priority date (in some too before the experiment of 100 months from the priority date (in some Offices even laters), observes, the application units, with all on months from the priority date (in some Offices even laters), observes, the application units, with all on months from the priority date (in some Offices even laters), observes, the application units, with all on months from the priority date, for entry into the autional phase before those designated Offices. In respect of the designated Offices, the time limit of 30 months (or laters, will apply even if no demand is filled within 19 months of the priority date. The priority of the priority o		
Name and making address of the ISA/US	Authorized officer:	

Mail Stop PCT, Altry ISA/US Commissioner for Patents P.O. Box 1450, Alexandia, Virginia 22313-1450 Facsimile No. 571-273-3201 Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Petent Cooperation Treaty, the Regulations and the Administrative Instructions under the Treaty. In case of discrepancy between those Notes and those requirements, the latter are applicable. For more detailed information, see also the FOT Applicant's Gride, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Anthority, one apportunity to ansend the claims of the international application. It should however be emphasized that, time all parts of the international application (selicity and derivering) are per annealed which international profit international profit

The attention of the applicant is drawn to the fact that amendments to the claims under Article 13 are not allowed when the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see Pot Applicant's Carlos, Volume 1/k, paragraph 299).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of renamintal of the international search report or 16 months from the priority date, whichever time limit express late. It should be noted, however, that the anneadments will be considered as laving been received on time if the time received by the international liveness after the expansion of the applicable time limit to be before the completion of the discharged preparations for international publication (State 46.1).

Where not to file the amendments ?

The amendments may only be flice with the International Bureau and not with the receiving Office or the International Searching Authority (Note 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one How? or more of the claims as filed,

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabie numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)")

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The felter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with cash claim apposing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled:
- (iii) the claim is new:
- (iv) the claim replaces one or more claims as filed; (v) the claim is the result of the division of a claim as filed.
- The following examples illustrate the manner in which amendments must be explained in the accompanying
- letter:
- [Where originally there were 48 elaims and after amendment of some claims there are 51]:

 "Claims 1 to 29, 31, 32, 34, 35, 37 to 88 replaced by amended claims bearing the same numbers;
 claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
- [Where originally there were 15 claims and after amendment of all claims there are 11]: "Claims 1 to 15 replaced by amended[claims 1 to 11."
- 3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding La vision to a constant cannot be unasses and one summanders constant in cannot limits and new claims? "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or "Claims 10 to 13 cancelled; new claims 11, 16 and 18 cancelled; new claims 11, 16 and 18 cancelled."
- a. I where various cines or samedoments are inside; is "Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claims 14; claim 17 subdivided into ampeded claims 15, 16 and 17; new claims 20 and 21 added." "Statement under Article 19/10," Real §4.6.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims. It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate theet and must be identified as such by a heading, preferably by using the words "Statement under Article [917]." **

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in commencion with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a dramed for international polarinary examination has decady been adorated. It is applicant must prefix the first of the first of the property of the property of the first of the property of the property of the property of the first of th

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the international Preliminary Examining Authority did not act as International Searching Authority and where it has profifed the International Searching Authority and where it has profifed the International Searching Authority 66 folds(1), by considered to be a written opinion of the International Proliminary Examining Authority. If a demand is made, the applicant may submit to the International Freliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PC/IISA/220 or before the expiration of 22 months from the priority date, whichever expirate later (Rule 42bin I/o).

Consequence with regard to translation of the international application for entry jate the national phase.

The applicant attenties is dream to the fig. that, upon entry into the national phase. Translation of the obtains as temporal under Article 19 may have to be turnslated on the claims as the results of the claims as fined.

The product of the claims as the claims are the contractions of the claims as the claims are the cla

For further details on the requirements of each designated/elected Office, see the PCT Applicant's Guide, Volume II

lotes to Form PCT/ISA/220 (second sheet) (October 2005)